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Attorneys for Federal Defendants

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**
15

16 GILBERT P. HYATT,
Plaintiff,

17 v.

18 UNITED STATES PATENT AND
19 TRADEMARK OFFICE and MICHELLE K.
LEE, Deputy Under Secretary of Commerce for
20 Intellectual Property, and Deputy Director of the
United States Patent and Trademark Office,
21 Defendants.
22

Case No.: 2:14-cv-00011-JCM-NJK

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE
REPLY IN SUPPORT OF FEDERAL
DEFENDANTS' MOTION TO
DISMISS OR, IN THE
ALTERNATIVE, STRIKE FIRST
AMENDED COMPLAINT**

23 Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Local Rule 6-1, Defendants Michelle
24 K. Lee and the United States Patent and Trademark Office (collectively "USPTO") respectfully
25 move for a two-week extension of time, to June 23, 2014, to file a reply in support of their Motion to
26 Dismiss or, in the Alternative, Strike the First Amended Complaint. A response is currently due

1 June 9, 2014. Mr. Hyatt's counsel have advised that they do not oppose this request for additional
2 time.

3 In support of this motion, the USPTO relies on the following Memorandum of Points and
4 Authorities.

5 Dated: June 9, 2014

6 Respectfully submitted,

7 DANIEL G. BOGDEN
8 United States Attorney

9 /s/ Molly R. Silfen
10 MOLLY R. SILFEN
11 Special Assistant United States Attorney

12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 Federal Rule of Civil Procedure 6(b)(1) and Local Rule 6-1 allow a party to request
14 additional time to perform an act. Here, the USPTO's request for additional time to file a reply in
15 support of its Motion to Dismiss or, in the Alternative, Strike the First Amended Complaint is
16 warranted because of the schedule of counsel for the USPTO. Specifically, Mr. Hyatt's response
17 was filed on Friday, May 30, 2014. The undersigned defense counsel had an oral argument at the
18 Court of Appeals for the Federal Circuit on Tuesday, June 3, 2014, and has a brief due in a different
19 appeal at the Federal Circuit on Thursday, June 12, 2014. The USPTO also has a reply brief due in
20 this Court, in case no. 2:14-cv-00311-LDG-GWF, on the same day as this brief, June 9, 2014. The
21 USPTO is requesting a two-week extension until June 23, 2014, in that case as well.

22 Mr. Hyatt's counsel have advised that they do not oppose this request for additional time.

23 For these reasons, the USPTO respectfully requests that the Court extend the deadline to file
24 a reply in support of the USPTO's Motion to Dismiss or, in the Alternative, Strike the First
25

1 Amended Complaint to June 23, 2014. This request is made in good faith and not for purposes of
2 undue delay.

3 Dated: June 9, 2014

4 Respectfully submitted,

5 DANIEL G. BOGDEN
6 United States Attorney

7 /s/ Molly R. Silfen
8 MOLLY R. SILFEN
9 Special Assistant United States Attorney

10
11 **IT IS SO ORDERED.**

12
13 
14 UNITED STATES DISTRICT JUDGE

15
16 Dated: June 9, 2014

PROOF OF SERVICE

I, Molly R. Silfen, certify that the following individuals were served on this date by the below identified method of service:

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